

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number  
(Optional)  
P18218-US1

First Named Inventor: Joakim Bergstrom, et al.

International (PCT) Application No.: PCT/SE2004/000543

U.S. Application No.: 10/551,080  
(if known)

Filed: 06 April 2004

Title: RLC Window Size Reconfiguration

Attention: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

## 2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of  
Executed Combined Declaration and POA (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

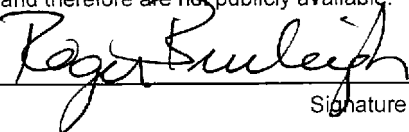
☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore ~~are not~~ publicly available.

  
Signature

August 2, 2007  
Date

Roger S. Burleigh  
Typed or Printed Name

40,542  
Registration Number, if applicable

6300 Legacy Drive, M/S EVR 1-C-11  
Address

972-583-5799  
Telephone Number

Plano, Texas 75024  
Address

- Enclosures: ☐ Response  
☒ Fee Payment  
☐ Terminal Disclaimer  
☒ Other (please identify): Executed Combined Declaration and POA



14 MAY 2007

Ericsson Inc.  
6300 Legacy Drive  
M/S EVR 1-C-11  
Plano, TX 75024

RECEIVED

In re Application of  
BERGSTRÖM, Joakim et al.  
Application No.: 10/551,080  
PCT No.: PCT/SE2004/000543  
Int. Filing Date: 06 April 2004  
Priority Date: 07 April 2003  
Docket No.: P18218-US1  
For: RLC WINDOW SIZE  
RECONFIGURATION

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: MAY 18 2007  
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EUS LEGAL DEPT. DECISION  
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This decision is in response to Applicant's Response to Notification of Defective Response, filed in the above-captioned application on 15 January 2007.

#### BACKGROUND

On 27 September 2005, applicants supplied a transmittal letter for entry into the national phase in the United States, accompanied by, *inter alia*, the basic national fee. Applicants had supplied a declaration for the United States under PCT Rule 26ter during the international phase.

On 02 June 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the oath or declaration of the inventors did not comply with 37 CFR 1.497(a)-(b), as it did not identify the application to which it was directed. It set a TWO (2) MONTH extendable period for response.

On 02 August 2006, applicants resubmitted the declaration filed during the international phase.

On 12 December 2006, the Office mailed Notification of Defective Response (FORM PCT/DO/EO/916), indicating that the declaration did not comply with 37 CFR 1.497(a)-(b), as it did not identify the application to which it was directed. The Notification set a ONE (1) MONTH non-extendable time period for response, but noted that applicants also had the time remaining in the Notification of Missing Requirements.

On 15 January 2007, applicants filed the Response to Notification of Defective Response arguing that they had supplied a declaration under PCT Rule 4.17(iv) and were not required to supply a declaration complying with 37 CFR 1.497(a)-(b).

#### DISCUSSION

Applicants supplied a declaration within the time limit of PCT Rule 26ter, but it did not comply with PCT Rule 26ter. The declaration that applicants furnished is the one for use when the declaration is being filed with the international application. The declaration reads "this declaration is directed to the international application of which it forms a part (if filing the declaration with application)." Had

applicants used the version of the declaration for filing under PCT Rule 26ter, it would have had a blank for listing the international application number. A proper PCT Rule 4.17(iv) declaration complies with 37 CFR 1.497(a)-(b), but this declaration does not comply. It failed to identify the international application to which it was directed.

Additionally, the declaration contains non-initialed, non-dated alterations made in ink to the address of an inventor. Such changes would also not comply with the requirements of 37 CFR 1.497(a)-(b). MPEP 605.04(a).

### CONCLUSION

Applicants submission does not comply with 37 CFR 1.497(a)-(b).

This application is ABANDONED.

Applicants may wish to consider the filing of a petition to revive an unintentionally abandoned international application under 37 CFR 1.137(b). If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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